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Report : Petition of Citizens of Sault Ste. Marie

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IN SENATE OF THE UNITED STATES.

JANUARY 14, 1850.

Submitted and ordered to be printed.

Mr. FELCH made the following

REPORT:

[To accompany bill S. No. 44.]

The Committee on Public Lands, to whom was referred the petition of the citizens of Sault de Ste. Marie, in the State of Michigan, praying that commissioners may be appointed to adjust the land claims of the settlers at that place, respectfully report:

In accordance with the prayer of the petitioners, a bill was reported at the 1st session of the 30th Congress providing for the settlement of their claim, in accordance with principles of justice and liberality. The committee append hereto, as expressive of their views, the report made in the Senate at that session, and an extract on the same subject from the report of the Commissioner of the General Land Office, made in 1848. They also herewith report a bill similar in its provisions to that which accompanied said report.

The Committee on Public Lands, to whom was referred the petition of the citizens of Sault de Ste. Marie, in the State of Michigan, praying that commissioners may be appointed to adjust the land claims of the settlers at that place, and also a report of the Secretary of the Treasury on the subject of such claims, respectfully report:

That the settlement of the Sault Ste. Marie was commenced at an early period, and while the country bordering on the more northerly shores of the great chain of lakes was under the jurisdiction of the French crown. Being on the extreme frontier the settlement was small, and the place for many years a mere trading post. The country was ceded by the French to the English in 1763, and by Great Britain to the United States in 1783. Under the provisions of the treaties of cession, the French were secured in the enjoyment of their rights of property. Most of the French inhabitants remained on the lands occupied by them at the time of the cession, and since that time have gradually extended their improvements, and become more and more attached to our institutions and government.

The most liberal policy towards the old French inhabitants of that por-

tion of New France which was ceded by the treaty of 1783, was adopted by our government at a very early period. By an act of Congress passed in 1804, commissioners were appointed to examine and allow the claims of such as held under French or English grants, or by virtue of any act or resolution of Congress. An act of 1805 extended the benefits of the law to claims founded on possession and improvement only. An act of 1807 confirmed the titles which had been approved by the commissioners, founded on possession prior to 1796. In 1808 the time for filing notice of such claims was extended, and in 1812 patents were authorized to be issued for all lands the claims to which had been duly confirmed. In 1820, and again in 1823, the powers of the commissioners were revived. The act passed in 1823 makes specific provision for the settlers in the county in which the lands claimed by the petitioners are situated. It provides, moreover, that every person who resided in that county on the first day of July, 1812, and on that day occupied and cultivated land lying within the settlements, and who had continued to submit to the authorities of the United States, or the legal representatives of such persons, should be confirmed in the tract of land so occupied, not exceeding 640 acres.

The commissioners made their report on the claims examined and allowed by them for confirmation by Congress. By an act of the 17th April, 1828, the claims allowed by the commissioners were confirmed, with certain exceptions. That part of the report allowing the claims at the Sault Ste. Marie was deferred, and has never received the action of Congress. The establishment of a fort at this point, a short time prior to the examination of these claims, was made on a portion of the land claimed and occupied by one of the early French settlers, and he and his family were expelled from the premises. An unfortunate controversy between some of the inhabitants of the place and the officers of the United States garrison, undoubtedly prejudiced the claims of the settlers; and, although a majority of the commissioners reported in favor of the allowance of most of the claims, Congress never passed an act confirming them. From the time of that report to the present, efforts have repeatedly been made by the settlers to obtain the favorable action of Congress on the subject; but no investigation into the merits of the application has, to the knowledge of the committee, been had.

The settlement at this point commenced by the French when the whole country in the northwest was a wilderness, has continued to be almost to the present day, and indeed may now properly be considered beyond the confines of the American settlements. In the last war, no aid from our government was or could be afforded the inhabitants, and British power and Indian barbarity were triumphant over them. Few in number, and without aid, they could not resist the exercise of this power without bringing destruction on themselves, their families, and their property. And since the restoration of peace, so remote is their situation, and so few their facilities of communicating with other portions of the country, that they have enjoyed few of the benefits of laws or civil authority. The hardships of their isolated position have been and are numerous. Discouraged, and despairing of being able to obtain the titles to their lands, some of the early settlers left the country and abandoned their possessions.

Notwithstanding these discouraging circumstances, the settlement has occasionally received accessions of citizens of this country, whose enter-

prise has led them to this frontier position. Within the last ten years, the development of mineral wealth on Lake Superior, at the entrance of which the place is situated, has presented new attractions to settlers, and has induced the expectation that a town of considerable importance may eventually grow up at this point.

Much of the land about the falls is covered by the French claims above mentioned. Portions of it are held as a reservation for military purposes, and all of it has been and still is withheld by the government from entry and sale. No lands are held, therefore, by perfect and undisputed title. Possession is the highest title known to the claimants; and by conveyances, some formal and regular, others informal and without the usual solemnities belonging to such transactions, some of the lands have repeatedly been transferred for valuable considerations, and under such titles they are occupied and improved.

The liberal policy heretofore adopted by the government towards both the French and the American inhabitants, who are the pioneers in the settlement of the public lands, has induced the petitioners to expect to obtain their titles on favorable terms; and, in the opinion of the committee, the case of these inhabitants is one which commends itself to the liberal action of the government in their behalf.

The committee herewith report a bill, authorizing the survey of the lands into town lots, and providing for the examination of the several claims, and the granting of titles, on liberal terms, to such as shall be allowed by commissioners. The bill also makes provision for the sale of such lots as are not granted to prior occupants, and for a liberal distribution of the proceeds for the common benefit of the town and its inhabitants. Many instances of similar liberality might, if necessary, be cited. Among them will be found an act relative to the city of Detroit, passed more than forty years ago. The towns of Fort Madison, Burlington, Bellevue, Dubuque, Peru, and Mineral Point, in Wisconsin, were the subjects of similar liberal legislation in 1836 and 1837.

Extract from the annual report of the Commissioner of the General Land Office, December, 1848.

It is deemed proper to invite attention to the in-lots and out-lots of the present village of *Sault Ste. Marie*, situated in the northern frontier of the Union, on the waters between Lake Superior and Lake Huron, and to suggest that legislative action be had with a view to the alienation on liberal terms to actual settlers, of the title of the United States to such lots as may not be required for military or other public purposes; the lines of the public surveys having been extended up to that region, and a United States land office there opened for the sale of the public lands in that part of the country.

To effect this object it is proposed that authority of law be conferred on the department to have an actual survey made of the village of *Sault Ste. Marie*, or if there be an existing accurate survey of it, to have the same retraced, in connexion with the lines of the public surveys, and upon a map of the same to have first exhibited such lots or tracts as may be required by the War Department for military or other public purposes;

then to direct an examination and report by the register and receiver, of the claims of all actual bona fida settlers who have built upon and improved any of the said lots, or parts of the same, discriminating between those holding under the old claims which were acted upon by the board of commissioners, under the act of February 21, 1823, and entered in "book No. 7" of the proceedings of the commissioners on claims at the Sault Ste. Marie (State Papers, D. Green, volume four, pages 830 to 842) and such actual settlers as are of a more recent date. Then to have an assessment of the value of such lots at the time of settlement, and of the price that should be paid for the same; and upon the approval by the department of such survey and report, each settler who may pay to the receiver within a limited time the amount of assessment, to be entitled to receive a patent for his lot. All the vacant lots to be exposed to the highest bidder, and those not sold to be disposed of at a reasonable minimum at private entry. The money accruing from the sale of improved lots to be applied to defray the expense of such survey, and the balance paid over to the trustees of the village for the erection of public buildings, &c. A measure like this would quiet titles, quicken the growth and improvement of the place, which may and probably will become, before many years, an important commercial point, inviting emigration to that section of country, and leading to an actual and speedy sale and settlement of the public lands in that region, and to the development of the agricultural and rich mineral resources already known to exist in that interesting portion of our country.